

# United States Patent and Trademark Office

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APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,689	02	2/25/2004	Thomas Mark Wubben	16789-US	3004
30689	7590	10/25/2005		EXAMINER	
DEERE & (				HWU, D	AVIS D
ONE JOHN DEERE PLACE MOLINE, IL 61265			•	ART UNIT PAPER NUMBER	
				3752	

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Davis D. Hwu   3752		Application No.	Applicant(s)					
Davis D. Hwu    3752   Period for Reply   A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.   WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.   WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.   A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.   A PROPERTY OF THE PROPERTY OF THE COMMUNICATION.   A PROPERTY OF THE PROPERTY OF TH		10/786,689	WUBBEN ET AL.					
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**Art Unit: 3752** 

#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10, 15-17, 19, 20, 22, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Cartner (US Patent 3,949,539).

Cartner '539 shows a boom assembly including a boom support frame, a boom section pivotally connected to the boom support frame, a hydraulic breakaway cylinder 22 having a first condition for maintaining the boom section in the working position and a breakaway condition permitting movement of the boom section towards the breakaway position when the boom section encounters an obstacle, hydraulic valve structure 66 connected to the breakaway cylinder, an accumulator (reservoir) connected to the breakaway cylinder, wherein the hydraulic valve structure and the accumulator provide staged pressure control of breakaway cylinder operating pressure to absorb energy as the boom section moves from the working position, the staged pressure increasing as the boom section approaches the breakaway position to limit momentum of the boom section.

## Allowable Subject Matter

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3. Claims 11-14, 18, 21, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### Conclusion

- 4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Cartner, Quick, and James are pertinent to Applicant's invention.
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Davis Hwu

DAVIS HWU PRIMARY EXAMINER